

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

LISA SCHRUM, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 5:11-cv-00044

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, et al.,

Defendants.

ORDER

The Court has reviewed and considered the *Petition of Lisa Schrum, as Guardian and Natural Parent of Alison Richardson, a Minor, for Authority to Compromise and Settle all Claims With Victoria Insurance Company and Nationwide Insurance Company of America* (Document 8) (hereinafter “*Petition*”) filed in this matter on April 21, 2011. Therein, Lisa Schrum, as guardian and natural parent of Alison Richardson, a minor, moves the Court to approve the proposed settlement of Alison Richardson’s claims against Defendant Victoria Insurance Company and against Defendant Nationwide Insurance Company of America.

In connection with the *Petition*, the Court, by *Order* (Document 11) of May 2, 2011, appointed Attorney Jeffrey G. Blaydes as Guardian Ad Litem, and scheduled an Infant Summary Proceeding in the matter for May 26, 2011. On May 26, 2011, the Court held the Infant Summary Proceeding.

Based upon the information set forth on the record at the Infant Summary Proceeding, including the testimony of Lisa Schrum, the information contained in the pending *Petition*, the *Answer and Opinion of Jeffrey G. Blaydes the Guardian Ad Litem for A.R., a Minor* (Document 17 sealed), and the proposed *Order Granting Petition of Lisa S[c]hrum, as Guardian and Natural Parent of Alison Richardson, a Minor, for Authority to Compromise and Settle All Claims Against Victoria Insurance Company and Nationwide Insurance Company of America* (Document 10), the Court **ORDERS** that the *Petition of Lisa Schrum, as Guardian and Natural Parent of Alison Richardson, a Minor, for Authority to Compromise and Settle all Claims with Victoria Insurance Company and Nationwide Insurance Company of America* (Document 8) is **GRANTED**, and further **ORDERS** as follows:

- 1) The proposed settlement agreement between the parties in the total amount of Twenty-Five Thousand Dollars (\$25,000) is hereby approved;
- 2) From the settlement proceeds, attorney fees and costs in the amount of Six Thousand Three Hundred Twenty-Five Dollars (\$6,325) shall be deducted;
- 3) From the settlement proceeds, no amount shall be deducted for medical bills, as the related medical bills have been paid pursuant to the State Farm Settlement as set forth in the *Petition*. Therefore, there are no liens related to this incident;
- 4) The Petitioner shall place the remaining Eighteen Thousand Six Hundred Seventy-Five Dollars (\$18,675) of the settlement proceeds in the same interest-bearing account in which the proceeds from the Fayette County Circuit Court settlement were placed, and not to be intruded withough further order of the Court. The proceeds shall remain in this account until such time as Alison Richardson attains the

age of eighteen (18) years at which time the entire settlement proceeds, plus interest accrued, will be released to Alison Richardson


- 5) The Petitioner shall take all necessary steps to consummate the agreed resolution and disposition of this case with Victoria Insurance Company and Nationwide Insurance Company of America as set forth in the *Petition*;
- 6) The Petitioner shall execute all releases, orders and other documents necessary to consummate the resolution and disposition of this case and forever discharge Victoria Insurance Company and Nationwide Insurance Company of America from any and all claims Alison Richardson, a minor, or anyone acting on her behalf had, has or may hereafter have arising out of or relating to the claims alleged in the *Petition*;
- 7) Respondents, Victoria Insurance Company and Nationwide Insurance Company of America, shall pay the Guardian Ad Litem, Jeffrey G. Blaydes, the agreed upon fee for his services. In the event the parties were unable to agree on this amount, they are **ORDERED** to advise the Court accordingly, and the Court will order a fee.
- 8) The resolution and disposition of this case between Petitioner, Lisa Schrum, as guardian and natural parent of Alison Richardson, a minor, and Respondents, Victoria Insurance Company and Nationwide Insurance Company of America, is hereby approved pursuant to *W.Va. Code §44-10-14*;
- 9) It appears to this Court that this settlement meets all the requirements of *W.Va. Code §44-10-14*. Given that the distribution of the settlement proceeds listed above will be added to a prior settlement distribution on behalf of this minor and that the total

is a substantial amount, the Court **ORDERS** the reference of the settlement to the
Fiduciary Commissioner consistent with the provisions of *W.Va. Code §44-10-14*.

- 10) All claims against Victoria Insurance Company and Nationwide Insurance Company
of America are hereby **DISMISSED WITH PREJUDICE**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any
unrepresented party.

ENTER: October 17, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA